

Second Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO

**REREVISED**

*This Version Includes All Amendments  
Adopted in the Second House*

LLS NO. 14-0292.01 Christy Chase x2008

**HOUSE BILL 14-1360**

**HOUSE SPONSORSHIP**

**Young,** Ginal, Primavera, Schafer, Singer

**SENATE SPONSORSHIP**

**Aguilar,**

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**House Committees**

Public Health Care & Human Services  
Finance  
Appropriations

**Senate Committees**

Health & Human Services  
Appropriations

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**A BILL FOR AN ACT**

101 **CONCERNING THE CONTINUATION OF THE REGULATION OF HOME CARE**  
102 **AGENCIES BY THE DEPARTMENT OF PUBLIC HEALTH AND**  
103 **ENVIRONMENT, AND, IN CONNECTION THEREWITH,**  
104 **IMPLEMENTING THE RECOMMENDATIONS OF THE 2013 SUNSET**  
105 **REPORT BY THE DEPARTMENT OF REGULATORY AGENCIES, AS**  
106 **MODIFIED BY THE GENERAL ASSEMBLY, AND MAKING AN**  
107 **APPROPRIATION.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at*

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

SENATE  
3rd Reading Unamended  
May 6, 2014

SENATE  
Amended 2nd Reading  
May 5, 2014

HOUSE  
Amended 3rd Reading  
April 25, 2014

HOUSE  
Amended 2nd Reading  
April 24, 2014

[http://www.leg.state.co.us/bills/summaries.](http://www.leg.state.co.us/bills/summaries/))

**Sunset Process - House Public Health Care and Human Services.** The bill implements the recommendations contained in the department of regulatory agencies' sunset report on the regulation of home care agencies and home care placement agencies by the Colorado department of public health and environment (department), as modified by the house public health care and human services committee (sunset committee) during the sunset hearing, by:

- ! Continuing the department's licensure of home care agencies for 5 years, until 2019;
- ! Clarifying that owners and managers or administrators must obtain a criminal history record check with respect to an application for a home care agency license or home care placement agency registration, and, in connection therewith, defining "owner", "manager" and "administrator";
- ! Excluding from the definition of "home care agency" a program of all-inclusive care for the elderly (PACE) that is regulated by the department of health care policy and financing, but specifying the department's regulatory authority over PACE providers that furnish PACE home care services;
- ! Identifying which convictions may serve as a basis for a home care agency's or a home care placement agency's denial of employment or a referral of a provider and directing the state board of health (state board) to promulgate rules to provide factors for the agencies to consider in determining whether a conviction for an offense should disqualify a provider;
- ! Directing the state board to promulgate rules requiring home care placement agencies to retain their records for inspection by the department and to set fees for home care placement agency registration to cover the direct and indirect costs of the department's oversight of home care placement agencies; and
- ! Authorizing the department to inspect home care placement agencies' records and to remove a home care placement agency from the registry if the inspection reveals that the agency is noncompliant with the statutory requirements connected to the agency's registration.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

1           **SECTION 1.** In Colorado Revised Statutes, 25-27.5-102, **amend**  
2 (1.5), (3) (b) (VIII), (3) (b) (IX), (4), and (6.7); and **add** (1.3), (3) (b) (X),  
3 (5.3), (5.5), and (5.7) as follows:

4           **25-27.5-102. Definitions.** As used in this article, unless the  
5 context otherwise requires:

6           (1.3) "CMS" MEANS THE FEDERAL CENTERS FOR MEDICARE AND  
7 MEDICAID SERVICES IN THE UNITED STATES DEPARTMENT OF HEALTH AND  
8 HUMAN SERVICES.

9           (1.5) "Community-centered board" ~~has the meaning set forth~~  
10 MEANS A COMMUNITY-CENTERED BOARD, AS DEFINED in section  
11 25.5-10-202, C.R.S., THAT IS DESIGNATED PURSUANT TO SECTION  
12 25.5-10-209, C.R.S., BY THE DEPARTMENT OF HEALTH CARE POLICY AND  
13 FINANCING.

14           (3) (b) "Home care agency" does not include:

15           (VIII) A home care placement agency as defined in subsection (5)  
16 of this section; ~~or~~

17           (IX) Services provided by a qualified early intervention service  
18 provider and overseen jointly by the department of education and the  
19 department of human services; OR

20           (X) A PROGRAM OF ALL-INCLUSIVE CARE FOR THE ELDERLY  
21 ESTABLISHED IN SECTION 25.5-5-412, C.R.S., AND REGULATED BY THE  
22 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING AND THE CMS;  
23 EXCEPT THAT PACE HOME CARE SERVICES ARE SUBJECT TO REGULATION  
24 IN ACCORDANCE WITH 25-27.5-104 (4).

25           (4) "Home care consumer" means a person who receives skilled  
26 home health services or personal care services in his or her temporary or  
27 permanent home or place of residence from a home care agency or FROM

1 A PROVIDER REFERRED BY A home care placement agency.

2 (5.3) "MANAGER" OR "ADMINISTRATOR" MEANS ANY PERSON WHO  
3 CONTROLS AND SUPERVISES OR OFFERS OR ATTEMPTS TO CONTROL AND  
4 SUPERVISE THE DAY-TO-DAY OPERATIONS OF A HOME CARE AGENCY OR  
5 HOME CARE PLACEMENT AGENCY.

6 (5.5) "OWNER" MEANS A SHAREHOLDER IN A FOR-PROFIT OR  
7 NONPROFIT CORPORATION, A PARTNER IN A PARTNERSHIP OR LIMITED  
8 PARTNERSHIP, MEMBER IN A LIMITED LIABILITY COMPANY, A SOLE  
9 PROPRIETOR, OR A PERSON WITH A SIMILAR INTEREST IN AN ENTITY, WHO  
10 HAS AT LEAST A FIFTY-PERCENT OWNERSHIP INTEREST IN THE BUSINESS  
11 ENTITY.

12 [REDACTED]

13 [REDACTED]

14 (5.7) "PACE HOME CARE SERVICES" MEANS SKILLED HOME  
15 HEALTH SERVICES OR PERSONAL CARE SERVICES:

16 (a) OFFERED AS PART OF A COMPREHENSIVE SET OF MEDICAL AND  
17 NONMEDICAL BENEFITS, INCLUDING PRIMARY CARE, DAY SERVICES, AND  
18 INTERDISCIPLINARY TEAM CARE PLANNING AND MANAGEMENT, BY PACE  
19 PROVIDERS TO AN ENROLLED PARTICIPANT IN THE PROGRAM OF  
20 ALL-INCLUSIVE CARE FOR THE ELDERLY ESTABLISHED IN SECTION  
21 25.5-5-412, C.R.S., AND REGULATED BY THE DEPARTMENT OF HEALTH  
22 CARE POLICY AND FINANCING AND THE CMS; AND

23 (b) PROVIDED IN THE ENROLLED PARTICIPANT'S TEMPORARY OR  
24 PERMANENT PLACE OF RESIDENCE.

25 (6.7) "Service agency" ~~has the meaning set forth~~ MEANS A SERVICE  
26 AGENCY, AS DEFINED in section 25.5-10-202, C.R.S., THAT HAS RECEIVED  
27 CERTIFICATION FROM THE DEPARTMENT OF HEALTH CARE POLICY AND

1 FINANCING AS A DEVELOPMENTAL DISABILITIES SERVICE AGENCY UNDER  
2 RULES PROMULGATED BY THE MEDICAL SERVICES BOARD AND IS  
3 PROVIDING SERVICES PURSUANT TO THE SUPPORTED LIVING SERVICES  
4 WAIVER OR THE CHILDREN'S EXTENSIVE SUPPORT WAIVER OF THE HOME-  
5 AND COMMUNITY-BASED SERVICES WAIVERS ADMINISTERED BY THE  
6 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING UNDER PART 4 OF  
7 ARTICLE 6 OF TITLE 25.5, C.R.S.

8 **SECTION 2.** In Colorado Revised Statutes, 25-27.5-103, **amend**  
9 (1.5) and (2) as follows:

10 **25-27.5-103. Home care agency license required - home care**  
11 **placement agency registration required - civil and criminal penalties.**

12 ~~(1.5) (a) Notwithstanding any provision of law to the contrary, by March~~  
13 ~~1, 2011, the following providers of skilled home health services or~~  
14 ~~in-home personal care services shall apply for licensure as a home care~~  
15 ~~agency to the department:~~

16 ~~(I) Community-centered boards designated pursuant to section~~  
17 ~~25.5-10-209, C.R.S.; and~~

18 ~~(II) Service agencies that have received program approval from~~  
19 ~~the department of human services as a developmental disabilities service~~  
20 ~~agency under rules promulgated by the department of human services that~~  
21 ~~are providing services pursuant to the supported living services waiver or~~  
22 ~~the children's extensive support waiver of the home- and~~  
23 ~~community-based services waivers administered by the department of~~  
24 ~~health care policy and financing and the department of human services~~  
25 ~~under part 4 of article 6 of title 25.5, C.R.S.~~

26 ~~(b) On or after September 1, 2011, It is unlawful for any~~  
27 ~~community centered A COMMUNITY-CENTERED board that is directly~~

1 providing home care services or ~~any~~ A service agency ~~as described in~~  
2 ~~paragraph (a) of this subsection (1.5)~~; to conduct or maintain a home care  
3 agency that provides ~~skilled home health services or~~ in-home personal  
4 care services without having obtained a license ~~therefor~~ from the  
5 department. Any person who violates this ~~provision~~ SUBSECTION (1.5) is  
6 guilty of a misdemeanor and is subject to the civil and criminal penalties  
7 described in paragraphs (a) and (b) of subsection (1) of this section.  
8 Nothing in this section relieves an entity that contracts or arranges with  
9 a ~~community centered~~ COMMUNITY-CENTERED board or service agency  
10 and that meets the definition of a "home care agency" ~~under section~~  
11 ~~25-27.5-102~~, from the entity's obligation to apply for and operate under  
12 a license in accordance with this article.

13 (2) (a) (I) On or after June 1, ~~2009~~, ~~any home care placement~~  
14 ~~agency shall notify the department in writing that it provides referrals for~~  
15 ~~skilled home health services or personal care services and shall annually~~  
16 ~~update such notice.~~ 2015, IT IS UNLAWFUL FOR A PERSON TO CONDUCT OR  
17 MAINTAIN A HOME CARE PLACEMENT AGENCY UNLESS THE PERSON HAS  
18 SUBMITTED A COMPLETED APPLICATION FOR REGISTRATION AS A HOME  
19 CARE PLACEMENT AGENCY TO THE DEPARTMENT, INCLUDING EVIDENCE OF  
20 GENERAL LIABILITY INSURANCE COVERAGE AS REQUIRED IN  
21 SUBPARAGRAPH (II) OF THIS PARAGRAPH (a). ON OR AFTER JANUARY 1,  
22 2016, IT IS UNLAWFUL FOR A PERSON TO CONDUCT OR MAINTAIN A HOME  
23 CARE PLACEMENT AGENCY WITHOUT A VALID, CURRENT HOME CARE  
24 PLACEMENT AGENCY REGISTRATION ISSUED BY THE DEPARTMENT. The  
25 department shall maintain a ~~list~~ REGISTRY of all REGISTERED home care  
26 placement agencies and shall make the ~~list~~ REGISTRY accessible to the  
27 public. WHILE A HOME CARE PLACEMENT AGENCY MUST BE REGISTERED

1 BY THE DEPARTMENT, a home care placement agency is not licensed or  
2 certified by the department and shall not claim or assert that the  
3 department licenses or certifies the home care placement agency.

4 (II) AS A CONDITION OF OBTAINING AN INITIAL OR RENEWAL HOME  
5 CARE PLACEMENT AGENCY REGISTRATION PURSUANT TO THIS SUBSECTION  
6 (2), A PERSON APPLYING FOR INITIAL OR RENEWAL REGISTRATION SHALL  
7 SUBMIT TO THE DEPARTMENT, IN THE FORM AND MANNER REQUIRED BY  
8 THE DEPARTMENT, PROOF THAT THE PERSON HAS OBTAINED AND IS  
9 MAINTAINING GENERAL LIABILITY INSURANCE COVERAGE THAT COVERS  
10 THE HOME CARE PLACEMENT AGENCY AND THE PROVIDERS IT REFERS TO  
11 HOME CARE CONSUMERS IN AN AMOUNT DETERMINED BY THE STATE  
12 BOARD BY RULE PURSUANT TO SECTION 25-27.5-104 (1) (h).

13 (b) A HOME CARE PLACEMENT AGENCY SHALL PROVIDE TO ITS  
14 HOME CARE CONSUMER CLIENTS, BEFORE REFERRING A PROVIDER TO THE  
15 CLIENT, A WRITTEN DISCLOSURE CONTAINING THE INFORMATION REQUIRED  
16 IN SECTION 25-27.5-104 (1) (c) AND IN STATE BOARD RULES ADOPTED  
17 PURSUANT TO THAT SECTION.

18 ~~(b)~~ (c) A person who violates this ~~section~~ SUBSECTION (2):

19 (I) IS GUILTY OF A MISDEMEANOR AND, UPON CONVICTION  
20 THEREOF, SHALL BE PUNISHED BY A FINE OF NOT LESS THAN FIFTY  
21 DOLLARS NOR MORE THAN FIVE HUNDRED DOLLARS; AND

22 (II) May be subject to a civil penalty assessed by the department  
23 ~~that is not less than five hundred dollars per year or more than one~~  
24 ~~thousand dollars per year for failure to register with the department or for~~  
25 ~~claiming to be licensed or certified by the department~~ OF UP TO TEN  
26 THOUSAND DOLLARS FOR EACH VIOLATION. The department shall assess,  
27 enforce, and collect the penalty in accordance with article 4 of title 24,

1 C.R.S. ~~Any moneys~~ THE DEPARTMENT SHALL TRANSFER ANY PENALTIES  
2 ~~collected shall be deposited~~ IT COLLECTS TO THE STATE TREASURER FOR  
3 DEPOSIT in the home care agency cash fund created in section  
4 25-27.5-105.

5 **SECTION 3.** In Colorado Revised Statutes, 25-27.5-104, **amend**  
6 (1) introductory portion, (1) (c), (1) (g), and (1) (h); and **add** (1) (i), (1)  
7 (j), (1) (k),   and (4) as follows:

8 **25-27.5-104. Minimum standards for home care agencies and**  
9 **home care placement agencies - rules - advisory committee.** (1) The  
10 state board shall promulgate rules pursuant to section 24-4-103, C.R.S.,  
11 providing minimum standards for the operation of home care agencies  
12 ~~AND HOME CARE PLACEMENT AGENCIES~~ within the state of Colorado ~~THAT~~  
13 ~~APPLY REGARDLESS OF THE SOURCE OF PAYMENT FOR THE HOME CARE~~  
14 ~~SERVICES OR THE DIAGNOSIS OF THE HOME CARE CONSUMER.~~ In  
15 promulgating these rules, the state board shall establish different  
16 requirements appropriate to the various types of skilled home health and  
17 personal care services, including differentiating requirements for  
18 providers that are substantially funded through medicare and medicaid  
19 reimbursement, providers for the program of all-inclusive care for the  
20 elderly established in section 25.5-5-412, C.R.S., providers that are  
21 already licensed under this title, and providers that are solely or  
22 substantially privately funded. This differentiation ~~shall consider~~ **MUST**  
23 **INCLUDE CONSIDERATION OF** the requirements already imposed by other  
24 federal and state regulatory agencies ~~shall~~ **AND MUST** require the  
25 department of health care policy and financing and the department ~~of~~  
26 ~~public health and environment~~ to work jointly to resolve differing  
27 requirements. ~~and shall only regulate a provider for the program of~~



1 all-inclusive care for the elderly consistent with the federal requirements  
2 established for the provider pursuant to a three-way agreement between  
3 the provider, the centers of medicare and medicaid services, and the  
4 department of health care policy and financing; except that the  
5 department may require additional information from the provider with  
6 regard to reporting instances of abuse. Such THE rules must include the  
7 following:

8 (c) Requirements for disclosure notices to be provided by home  
9 care agencies and home care placement agencies to home care consumers  
10 concerning the duties and employment status of the individual providing  
11 services. WITH REGARD TO HOME CARE PLACEMENT AGENCIES, THE RULES  
12 MUST REQUIRE A HOME CARE PLACEMENT AGENCY TO DISCLOSE IN  
13 WRITING, AT A MINIMUM, THE FOLLOWING TO EACH HOME CARE CONSUMER  
14 CLIENT IN THE FORM AND MANNER PRESCRIBED BY THE DEPARTMENT  
15 BEFORE REFERRING A PROVIDER TO THE CLIENT:

16 (I) THAT THE HOME CARE PLACEMENT AGENCY IS NOT THE  
17 EMPLOYER OF ANY PROVIDER IT REFERS TO A HOME CARE CONSUMER; AND

18 (II) THAT THE HOME CARE PLACEMENT AGENCY DOES NOT DIRECT,  
19 CONTROL, SCHEDULE, OR TRAIN ANY PROVIDER IT REFERS;

20 (g) (I) Fees for home care agency licensure. which shall not  
21 exceed one thousand five hundred dollars per year for two years from the  
22 effective date of fees established by rule for home care agencies that are  
23 certified providers through the federal centers for medicare and medicaid  
24 services or the Colorado department of health care policy and financing.

25 Home care agency fees shall be ARE payable to the home care agency  
26 cash fund. The annual fee shall MUST include a component that reflects  
27 whether a survey is planned for the year based on the agency's compliance

1 history. The fee schedule shall also be tiered STATE BOARD SHALL  
2 DEVELOP A METHODOLOGY FOR ESTABLISHING DIFFERENTIATING FEES FOR  
3 LICENSURE OF HOME CARE AGENCIES, INCLUDING COMMUNITY-CENTERED  
4 BOARDS AND SERVICE AGENCIES, to reflect the differences in type, SCOPE,  
5 and volume of services of PROVIDED BY THE various TYPES OF home care  
6 agencies, including but not limited to their volume of medicaid and  
7 medicare services, The fee schedule shall also provide AND THAT ALLOWS  
8 for reduced fees for home care agencies that are certified prior to initial  
9 license application. The department of public health and environment  
10 shall not charge a duplicate fee for survey work conducted pursuant to its  
11 role as state survey agency for the federal centers for medicare and  
12 medicaid services or the Colorado department of health care policy and  
13 financing. No later than January 1, 2011, the department of public health  
14 and environment shall issue an independent report detailing the direct and  
15 indirect costs associated with the administration of home care agency  
16 licensure.

17 (II) NOTWITHSTANDING SECTION 25-3-105 (1) (a) (I) (B), THE  
18 STATE BOARD MAY SET AND ADJUST LICENSURE FEES FOR HOME CARE  
19 AGENCIES AS APPROPRIATE BASED ON THE DIFFERENTIATING FEE  
20 METHODOLOGY DEVELOPED BY THE STATE BOARD PURSUANT TO THIS  
21 PARAGRAPH (g).

22 (h) Requirements for home care agencies to provide evidence of  
23 and maintain either liability insurance coverage or a surety bond in lieu  
24 of liability insurance coverage AND FOR HOME CARE PLACEMENT  
25 AGENCIES TO PROVIDE EVIDENCE OF AND MAINTAIN LIABILITY INSURANCE  
26 COVERAGE AS REQUIRED IN SECTION 25-27.5-103 (2) (a) (II) in amounts  
27 set through rules of the state board;

1 (i) FACTORS FOR HOME CARE AGENCIES AND HOME CARE  
2 PLACEMENT AGENCIES TO CONSIDER WHEN DETERMINING WHETHER AN  
3 APPLICANT'S CONVICTION OF OR PLEA OF GUILTY OR NOLO CONTENDERE TO  
4 AN OFFENSE DISQUALIFIES THE APPLICANT FROM EMPLOYMENT OR A  
5 REFERRAL. THE STATE BOARD MAY DETERMINE WHICH OFFENSES REQUIRE  
6 CONSIDERATION OF THE FACTORS.

7  
8 (j) REQUIREMENTS FOR HOME CARE PLACEMENT AGENCIES TO  
9 RETAIN THEIR RECORDS FOR A LENGTH OF TIME DETERMINED BY THE  
10 STATE BOARD TO BE AVAILABLE FOR INSPECTION BY THE DEPARTMENT  
11 PURSUANT TO SECTION 25-27.5-106 (2) (a) (III); AND

12 (k) FEES FOR THE REGISTRATION OF HOME CARE PLACEMENT  
13 AGENCIES TO COVER THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH  
14 IMPLEMENTING THE DEPARTMENT'S OVERSIGHT OF HOME CARE  
15 PLACEMENT AGENCIES.

16 (4) THE DEPARTMENT SHALL REGULATE A PROVIDER OF PACE  
17 HOME CARE SERVICES FOR MINIMUM STANDARDS FOR THE OPERATION OF  
18 HOME CARE AGENCIES AS FOLLOWS:

19 (a) FOR A PACE PROVIDER THAT SERVES ONLY MEDICAID OR  
20 MEDICARE CLIENTS, IF A FULL FEDERAL RECERTIFICATION SURVEY  
21 REQUIRED BY THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING  
22 IS CONDUCTED AT LEAST EVERY THREE YEARS, THE DEPARTMENT SHALL  
23 ACCEPT THE FEDERAL RECERTIFICATION SURVEY IN LIEU OF A SEPARATE  
24 SURVEY FOR RELICENSURE;

25 (b) THE DEPARTMENT SHALL NOT IMPOSE ANY REQUIREMENT ON  
26 A PACE PROVIDER THAT IS MORE STRINGENT THAN THE FEDERAL AND  
27 STATE MEDICAID PACE REGULATIONS, THE THREE-WAY AGREEMENT

1 ENTERED INTO BY THE PROVIDER, CMS, AND THE DEPARTMENT OF HEALTH  
2 CARE POLICY AND FINANCING, AND THE PACE PROVIDER'S POLICIES AND  
3 PROCEDURES;

4 (c) IN REVIEWING A PACE PROVIDER'S COMPLIANCE WITH HOME  
5 CARE LICENSURE, THE DEPARTMENT SHALL COORDINATE WITH THE  
6 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING REGARDING BOTH  
7 LICENSE AND CERTIFICATION REQUIREMENTS TO ENSURE THAT THE  
8 DEPARTMENTS' SIMILAR REGULATIONS ARE CONGRUENTLY MET;

9 (d) AT THE TIME THAT A PACE PROVIDER ENROLLS A PACE  
10 PARTICIPANT IN A PACE PROGRAM, THE PACE PROVIDER SHALL GIVE THE  
11 CLIENT THE DEPARTMENT'S CONTACT INFORMATION IN WRITING TO ALLOW  
12 THE CLIENT TO REPORT ANY COMPLAINTS THAT MAY ARISE OUT OF THE  
13 CLIENT'S PACE HOME CARE SERVICES. THE DEPARTMENT SHALL  
14 UNDERTAKE ANY INVESTIGATION ARISING FROM A COMPLAINT, OTHER  
15 THAN A COMPLAINT ALLEGING MATTERS THAT ARE OUTSIDE OF THE  
16 DEPARTMENT'S LICENSING AUTHORITY.

17 (e) UNDER THE DEPARTMENT'S LICENSING AUTHORITY, THE  
18 DEPARTMENT HAS COMPLETE AUTHORITY TO ENFORCE ALL HOME CARE  
19 REQUIREMENTS APPLICABLE TO A PACE PROVIDER. IF THE DEPARTMENT  
20 IS UNABLE TO TAKE CORRECTIVE ACTION CONGRUENTLY WITH THE  
21 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, THE DEPARTMENT  
22 SHALL FORWARD THE PROPOSED CORRECTIVE ACTION TO AND CONSULT  
23 WITH THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING BEFORE  
24 TAKING FINAL ACTION AGAINST A PACE PROVIDER.

25 **SECTION 4.** In Colorado Revised Statutes, **amend 25-27.5-105**  
26 **as follows:**

27 **25-27.5-105. Home care agency cash fund created.** The

1 DEPARTMENT SHALL TRANSMIT THE fees collected pursuant to section  
2 25-27.5-104 (1), plus any civil penalty collected pursuant to section  
3 25-27.5-103 (1) (b) ~~shall be transmitted~~ AND (2) (c) (II), to the state  
4 treasurer, who shall credit the ~~same~~ FEES AND PENALTIES to the home care  
5 agency cash fund, which fund is hereby created. The moneys in the fund  
6 ~~shall be~~ ARE subject to annual appropriation by the general assembly for  
7 the direct and indirect costs of the department in performing its duties  
8 under this article. At the end of any fiscal year, all unexpended and  
9 unencumbered moneys in the fund ~~shall~~ remain in the fund and ~~shall~~  
10 MUST not be credited or transferred to the general fund or any other fund.

11 **SECTION 5.** In Colorado Revised Statutes, 25-27.5-106, **amend**  
12 (1), (2), (3), (4), and (5) as follows:

13 **25-27.5-106. License or registration - application - inspection**  
14 **- issuance - repeal.** (1) A PERSON APPLYING FOR A HOME CARE AGENCY  
15 LICENSE OR A HOME CARE PLACEMENT AGENCY REGISTRATION SHALL  
16 SUBMIT an application ~~for a license to operate a home care agency shall~~  
17 ~~be submitted~~ to the department annually upon ~~such~~ A form and in ~~such~~ A  
18 manner as prescribed by the department.

19 (2) (a) (I) The department shall investigate and review each  
20 original application and each renewal application for a HOME CARE  
21 AGENCY license OR HOME CARE PLACEMENT AGENCY REGISTRATION. The  
22 department shall determine an applicant's compliance with THIS ARTICLE  
23 AND the rules adopted pursuant to section 25-27.5-104 before THE  
24 DEPARTMENT ISSUES a license ~~is issued or renewed~~ OR REGISTRATION. A  
25 ~~certified home care agency that applies for a license by June 1, 2009, shall~~  
26 ~~be exempt from licensure inspection prior to issuance of the initial~~  
27 ~~license.~~

1 (II) EXCEPT AS PROVIDED IN PARAGRAPH (a.5) OF THIS SUBSECTION  
2 (2), the department shall make ~~such~~ inspections as it deems necessary to  
3 ensure that the health, safety, and welfare of the home care agency's OR  
4 HOME CARE PLACEMENT AGENCY'S home care consumers are being  
5 protected. Inspections of a home care consumer's home ~~shall be~~ ARE  
6 subject to the consent of the home care consumer to access the property.  
7 The home care agency OR HOME CARE PLACEMENT AGENCY shall submit  
8 in writing, in a form prescribed by the department, a plan detailing the  
9 measures that will be taken to correct any violations found by the  
10 department as a result of inspections undertaken pursuant to this  
11 subsection (2).

12 (III) THE DEPARTMENT MAY INSPECT, AS IT DEEMS NECESSARY, A  
13 HOME CARE PLACEMENT AGENCY'S RECORDS ON WEEKDAYS BETWEEN 9  
14 A.M. AND 5 P.M. TO ENSURE THAT THE HOME CARE PLACEMENT AGENCY IS  
15 IN COMPLIANCE WITH THE CRIMINAL HISTORY RECORD CHECK, GENERAL  
16 LIABILITY INSURANCE, AND DISCLOSURE REQUIREMENTS SET FORTH IN  
17 SECTIONS 25-27.3-103 (2) (b), 25-27.5-104 (1) (c) AND (1) (h), AND  
18 25-27.5-107.

19 (a.5) (I) (A) ON OR AFTER JULY 1, 2014, A COMMUNITY-CENTERED  
20 BOARD OR SERVICE AGENCY THAT HAS BEEN CERTIFIED OR RECERTIFIED BY  
21 THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING WITHIN THE  
22 LAST TWELVE MONTHS FOR THE PROVISION OF PERSONAL CARE SERVICES  
23 UNDER THE SUPPORTED LIVING SERVICES WAIVER OR THE CHILDREN'S  
24 EXTENSIVE SUPPORT WAIVER AND THAT HAS SATISFIED ALL  
25 REQUIREMENTS FOR CERTIFICATION AS A SUPPORTED LIVING SERVICES  
26 WAIVER OR CHILDREN'S EXTENSIVE SUPPORT WAIVER SERVICE PROVIDER  
27 MAY APPLY FOR AND OBTAIN AN INITIAL HOME CARE AGENCY LICENSE TO

1 PROVIDE IN-HOME PERSONAL CARE SERVICES, AND THE DEPARTMENT  
2 SHALL NOT CONDUCT AN ON-SITE, INITIAL LICENSURE INSPECTION OF THE  
3 COMMUNITY-CENTERED BOARD OR SERVICE AGENCY. IF THE  
4 COMMUNITY-CENTERED BOARD OR SERVICE AGENCY HAS NOT BEEN  
5 INSPECTED WITHIN THE LAST TWELVE MONTHS AND IS NOT IN FULL  
6 COMPLIANCE WITH THE CERTIFICATION REQUIREMENTS, THE DEPARTMENT  
7 SHALL CONDUCT AN ON-SITE, INITIAL LICENSURE INSPECTION BUT SHALL  
8 LIMIT THE INSPECTION TO EVALUATING THE PERSONAL CARE SERVICES  
9 RENDERED IN ACCORDANCE WITH THE DEPARTMENT OF HEALTH CARE  
10 POLICY AND FINANCING'S WAIVER AND REGULATORY REQUIREMENTS AND  
11 THE COMMUNITY-CENTERED BOARD'S OR SERVICE AGENCY'S QUALITY  
12 MANAGEMENT PROGRAM, COMPETENCY AND TRAINING PROGRAM, AND  
13 IMPLEMENTATION OF CRIMINAL HISTORY RECORDS CHECKS RELATED TO  
14 CERTIFICATION OF THE COMMUNITY-CENTERED BOARD OR SERVICE  
15 AGENCY.

16 (B) BETWEEN JULY 1, 2014, AND JULY 1, 2016, THE DEPARTMENT  
17 SHALL NOT CONDUCT A RELICENSURE INSPECTION OF A  
18 COMMUNITY-CENTERED BOARD OR SERVICE AGENCY THAT PROVIDES  
19 IN-HOME PERSONAL CARE SERVICES EXCLUSIVELY TO HOME CARE  
20 CONSUMERS WHO ARE RECIPIENTS OF SERVICES PURSUANT TO THE  
21 SUPPORTED LIVING SERVICES WAIVER OR THE CHILDREN'S EXTENSIVE  
22 SUPPORT WAIVER OF THE HOME- AND COMMUNITY-BASED SERVICES  
23 WAIVERS ADMINISTERED BY THE DEPARTMENT OF HEALTH CARE POLICY  
24 AND FINANCING. DURING THIS PERIOD, COMMUNITY-CENTERED BOARDS  
25 AND SERVICE AGENCIES WHO ARE LICENSED HOME CARE AGENCIES SHALL  
26 COMPLY WITH ALL WAIVER REQUIREMENTS AND RULES ADOPTED BY THE  
27 MEDICAL SERVICES BOARD THAT ARE APPLICABLE TO

1 COMMUNITY-CENTERED BOARDS AND SERVICE AGENCIES. THE  
2 DEPARTMENTS OF PUBLIC HEALTH AND ENVIRONMENT AND HEALTH CARE  
3 POLICY AND FINANCING SHALL SHARE INFORMATION REGARDING  
4 COMMUNITY-CENTERED BOARDS AND SERVICE AGENCIES AND THEIR  
5 COMPLIANCE WITH THE APPLICABLE RULES.

6 (C) NOTWITHSTANDING SECTION 25-27.5-104 (1) (g) AND STATE  
7 BOARD RULES ADOPTED PURSUANT TO THAT SECTION THE DEPARTMENT  
8 SHALL NOT ASSESS FEES BETWEEN JULY 1, 2014, AND JULY 1, 2016, FOR A  
9 NEW OR RENEWAL HOME CARE AGENCY LICENSE ISSUED TO A  
10 COMMUNITY-CENTERED BOARD OR SERVICE AGENCY, AND THE  
11 DEPARTMENT'S COSTS INCURRED IN CONNECTION WITH ISSUING NEW OR  
12 RENEWAL HOME CARE AGENCY LICENSES TO COMMUNITY-CENTERED  
13 BOARDS AND SERVICE AGENCIES IS PAYABLE FROM THE INTELLECTUAL  
14 AND DEVELOPMENTAL DISABILITIES SERVICES CASH FUND, CREATED IN  
15 SECTION 25.5-10-207 (1), C.R.S., AS PART OF A SYSTEM OF CAPACITY  
16 EXPANSION FOR HOME- AND COMMUNITY-BASED INTELLECTUAL AND  
17 DEVELOPMENTAL DISABILITIES PROGRAMS, SERVICES, AND SUPPORTS  
18 PURSUANT TO SECTION 25.5-10-207 (3) (c), C.R.S., ENACTED IN HOUSE  
19 BILL 14-1252 IN 2014.

20 (D) AT THE TIME A COMMUNITY-CENTERED BOARD OR SERVICE  
21 AGENCY COMMENCES IN-HOME PERSONAL CARE SERVICES FOR A HOME  
22 CARE CONSUMER RECEIVING THE SERVICES PROVIDED PURSUANT TO THE  
23 SUPPORTED LIVING SERVICES WAIVER OR THE CHILDREN'S EXTENSIVE  
24 SUPPORT WAIVER OF THE HOME- AND COMMUNITY-BASED SERVICES  
25 WAIVERS ADMINISTERED BY THE DEPARTMENT OF HEALTH CARE POLICY  
26 AND FINANCING, THE COMMUNITY-CENTERED BOARD OR SERVICE AGENCY  
27 SHALL GIVE THE HOME CARE CONSUMER THE DEPARTMENT'S CONTACT



1 INFORMATION IN WRITING TO ALLOW THE HOME CARE CONSUMER TO  
2 REPORT ANY COMPLAINTS THAT MAY ARISE OUT OF THE HOME CARE  
3 CONSUMER'S IN-HOME PERSONAL CARE SERVICES. THE DEPARTMENT  
4 SHALL UNDERTAKE ANY INVESTIGATION ARISING FROM THE COMPLAINT,  
5 OTHER THAN ALLEGATIONS OF MATTERS THAT ARE OUTSIDE THE  
6 DEPARTMENT'S LICENSING AUTHORITY.

7 (II) (A) DURING THE PERIOD DESCRIBED IN SUB-SUBPARAGRAPH  
8 (B) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (a.5), THE DEPARTMENT  
9 SHALL ESTABLISH A WORK GROUP COMPOSED OF REPRESENTATIVES FROM  
10 OR OF: THE DEPARTMENT; THE DEPARTMENT OF HEALTH CARE POLICY  
11 AND FINANCING; COMMUNITY-CENTERED BOARDS; SERVICE AGENCIES;  
12 AND HOME CARE CONSUMERS RECEIVING SUPPORTED LIVING SERVICES OR  
13 CHILDREN'S EXTENSIVE SUPPORT UNDER THE HOME- AND  
14 COMMUNITY-BASED SERVICES WAIVERS ADMINISTERED BY THE  
15 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING. THE WORK GROUP  
16 SHALL: EXAMINE THE DEVELOPMENTAL DISABILITIES SERVICES RULES  
17 ADOPTED BY THE MEDICAL SERVICES BOARD TO DETERMINE IF THE RULES  
18 CONTAIN SUFFICIENT SAFEGUARDS TO PROTECT THE HEALTH, SAFETY, AND  
19 RIGHTS OF THE HOME CARE CONSUMERS; IDENTIFY GAPS OR CONFLICTS  
20 BETWEEN THE LICENSE REQUIREMENTS UNDER THIS ARTICLE AND RULES  
21 ADOPTED BY THE STATE BOARD UNDER THIS ARTICLE AND THE  
22 REQUIREMENTS FOR STATE CERTIFICATION AS A PROVIDER OF SERVICES  
23 UNDER THE SUPPORTED LIVING SERVICES WAIVER OR THE CHILDREN'S  
24 EXTENSIVE SUPPORT WAIVER OF THE HOME- AND COMMUNITY-BASED  
25 SERVICES WAIVERS IMPOSED BY THE DEPARTMENT OF HEALTH CARE  
26 POLICY AND FINANCING AND RULES ADOPTED BY THE MEDICAL SERVICES  
27 BOARD; AND DEVELOP A PLAN TO ELIMINATE CONFLICTS AND GAPS

1 BETWEEN THE REQUIREMENTS OF THE DEPARTMENTS AND BOARDS. THE  
2 WORK GROUP SHALL REQUEST SERVICE PROVIDERS TO PROVIDE A  
3 COMPREHENSIVE LIST OF THE GAPS OR CONFLICTS IN THE REQUIREMENTS  
4 IMPOSED BY EACH DEPARTMENT AND BOARD OR SHALL SURVEY PROVIDERS  
5 TO ASCERTAIN ANY GAPS AND CONFLICTS IN THE REQUIREMENTS. THE  
6 SERVICE PROVIDERS SHALL PROVIDE THE COMPREHENSIVE LIST OR  
7 RESPOND TO THE SURVEY BY SEPTEMBER 1, 2014.

8 (B) ONCE THE DEPARTMENT HAS A COMPREHENSIVE LIST OF  
9 CONFLICTING REQUIREMENTS AND GAPS IN THE REQUIREMENTS, THE WORK  
10 GROUP SHALL ANALYZE THE INFORMATION AND DEVELOP A PLAN FOR  
11 RESOLVING THE CONFLICTS AND ADDRESSING GAPS IN THE REQUIREMENTS.  
12 THE WORK GROUP SHALL PROVIDE AT LEAST TWO PROGRESS UPDATES TO  
13 THE HOME CARE ADVISORY COMMITTEE BY JULY 1, 2015, AND SHALL  
14 PROVIDE UPDATES THEREAFTER UPON THE REQUEST OF THE ADVISORY  
15 COMMITTEE. BY SEPTEMBER 1, 2015, THE WORK GROUP SHALL SUBMIT ITS  
16 RECOMMENDATIONS FOR RESOLVING THE CONFLICTS AND GAPS IN THE  
17 REQUIREMENTS, INCLUDING PROPOSED RULE CHANGES OR ADDITIONS, TO  
18 THE STATE BOARD AND THE MEDICAL SERVICES BOARD. THE  
19 RECOMMENDATIONS MUST SPECIFY THE PARTICULAR RULES OF EACH  
20 BOARD THAT NEED TO BE MODIFIED OR ADDED TO RESOLVE ANY  
21 CONFLICTS AND ADDRESS GAPS IN REQUIREMENTS.

22 (C) NO LATER THAN JULY 1, 2016, THE STATE BOARD AND THE  
23 MEDICAL SERVICES BOARD SHALL ADOPT RULES AS NECESSARY TO  
24 ELIMINATE ANY CONFLICTS BETWEEN AND GAPS IN THEIR RESPECTIVE  
25 RULES PERTAINING TO THE REQUIREMENTS IMPOSED ON  
26 COMMUNITY-CENTERED BOARD AND SERVICE AGENCIES THAT PROVIDE  
27 IN-HOME PERSONAL CARE SERVICES EXCLUSIVELY TO HOME CARE

1 CONSUMERS WHO ARE RECIPIENTS OF SERVICES PURSUANT TO THE  
2 SUPPORTED LIVING SERVICES WAIVER OR THE CHILDREN'S EXTENSIVE  
3 SUPPORT WAIVER OF THE HOME- AND COMMUNITY-BASED SERVICES  
4 WAIVERS ADMINISTERED BY THE DEPARTMENT OF HEALTH CARE POLICY  
5 AND FINANCING.

6 (D) AS PART OF THEIR ANNUAL PRESENTATIONS TO THE JOINT  
7 COMMITTEE OF REFERENCE TO WHICH EACH DEPARTMENT IS ASSIGNED  
8 UNDER THE "STATE MEASUREMENTS FOR ACCOUNTABLE, RESPONSIBLE,  
9 AND TRANSPARENT (SMART) ACT", PART 2 OF ARTICLE 7 OF TITLE 2,  
10 C.R.S., THE DEPARTMENTS OF PUBLIC HEALTH AND ENVIRONMENT AND  
11 HEALTH CARE POLICY AND FINANCING SHALL REPORT THEIR PROGRESS IN  
12 ANALYZING AND DEVELOPING A PLAN TO RESOLVE CONFLICTS AND GAPS  
13 IN THE REQUIREMENTS APPLICABLE TO COMMUNITY-CENTERED BOARDS  
14 AND SERVICE AGENCIES THAT PROVIDE IN-HOME PERSONAL CARE  
15 SERVICES. THE DEPARTMENTS SHALL INDICATE WHETHER THEY ARE  
16 MEETING THE DEADLINES SPECIFIED IN THIS SUBPARAGRAPH (II), AND IF  
17 NOT, DETAIL THE REASONS FOR FAILING TO MEET THE DEADLINES. IN THEIR  
18 PRESENTATIONS MADE IN THE INTERIM BETWEEN NOVEMBER 1, 2015, AND  
19 THE START OF THE 2016 REGULAR LEGISLATIVE SESSION, THE  
20 DEPARTMENTS SHALL REPORT PROGRESS ON: THE ADOPTION OF RULES BY  
21 THE STATE BOARD AND THE MEDICAL SERVICES BOARD AND SHALL  
22 PROVIDE THE JOINT COMMITTEES COPIES OF DRAFT RULES, IF AVAILABLE;  
23 AND ANY PROGRAM EFFICIENCIES THAT COULD IMPACT LICENSURE FEE  
24 AMOUNTS. IF THE DEPARTMENTS ARE NOT MEETING THE DEADLINES  
25 OUTLINED IN THIS SUBPARAGRAPH (II), THE JOINT COMMITTEE OF  
26 REFERENCE SHALL CONSIDER WHETHER FURTHER LEGISLATION IS NEEDED,  
27 INCLUDING LEGISLATION TO MODIFY THE DEADLINES, EXTEND THE PERIOD

1 SPECIFIED IN SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (I) OF THIS  
2 PARAGRAPH (a.5) DURING WHICH THE DEPARTMENT IS NOT ALLOWED TO  
3 CONDUCT RELICENSURE INSPECTIONS, COMPEL THE DEPARTMENTS TO  
4 COMPLETE THEIR TASKS, OR MODIFY THE MANNER IN WHICH  
5 COMMUNITY-CENTERED BOARDS AND SERVICES AGENCIES PROVIDING  
6 IN-HOME PERSONAL CARE SERVICES ARE REGULATED BY THE STATE OR THE  
7 ABILITY OF THE DEPARTMENT TO SET AND IMPOSE LICENSURE FEES.

8 (III) THIS PARAGRAPH (a.5) DOES NOT LIMIT THE ABILITY OF THE  
9 DEPARTMENT TO INVESTIGATE COMPLAINTS AND OCCURRENCES  
10 INVOLVING, AND ISSUE ANY ASSOCIATED ENFORCEMENT AGAINST,  
11 COMMUNITY-CENTERED BOARDS AND SERVICE AGENCIES.

12 (IV) THIS PARAGRAPH (a.5) IS REPEALED, EFFECTIVE JULY 1, 2017.

13 (b) The department shall keep all medical records INFORMATION  
14 OR DOCUMENTS obtained during an inspection or investigation of a home  
15 care agency, HOME CARE PLACEMENT AGENCY, OR HOME CARE  
16 CONSUMER'S HOME confidential. ~~and the medical~~ ALL records, shall be  
17 INFORMATION, OR DOCUMENTS SO OBTAINED ARE exempt from disclosure  
18 pursuant to sections 24-72-204, C.R.S., and 25-1-124.

19 (3) (a) With the submission of an application for a license OR  
20 REGISTRATION granted pursuant to this article OR WITHIN TEN DAYS AFTER  
21 A CHANGE IN THE OWNER, MANAGER, OR ADMINISTRATOR, each owner  
22 applicant, ~~or licensee shall~~ OF A HOME CARE AGENCY OR HOME CARE  
23 PLACEMENT AGENCY AND EACH MANAGER OR ADMINISTRATOR OF A HOME  
24 CARE AGENCY OR HOME CARE PLACEMENT AGENCY MUST submit a  
25 complete set of his or her fingerprints to the department. ~~The department~~  
26 ~~shall forward such fingerprints to the~~ Colorado bureau of investigation for  
27 the purpose of conducting a state and national fingerprint-based criminal

1 history record check utilizing ~~the~~ records of the Colorado bureau of  
2 investigation and the federal bureau of investigation. ~~The~~ EACH owner  
3 ~~applicant, or licensee shall pay the costs associated with~~ AND EACH  
4 MANAGER OR ADMINISTRATOR IS RESPONSIBLE FOR PAYING THE FEE  
5 ESTABLISHED BY THE COLORADO BUREAU OF INVESTIGATION FOR  
6 CONDUCTING the fingerprint-based criminal history record check to the  
7 ~~Colorado bureau. of investigation.~~ UPON COMPLETION OF THE CRIMINAL  
8 HISTORY RECORD CHECK, THE BUREAU SHALL FORWARD THE RESULTS TO  
9 THE DEPARTMENT. THE DEPARTMENT MAY ACQUIRE A NAME-BASED  
10 CRIMINAL HISTORY RECORD CHECK FOR AN APPLICANT WHO HAS TWICE  
11 SUBMITTED TO A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK  
12 AND WHOSE FINGERPRINTS ARE UNCLASSIFIABLE.

13 (b) ~~The~~ DEPARTMENT SHALL USE THE ~~information shall be used by~~  
14 ~~the department~~ FROM THE CRIMINAL HISTORY RECORD CHECK in  
15 ascertaining whether the person applying for licensure OR REGISTRATION  
16 has been convicted of a felony or of a misdemeanor, which felony or  
17 misdemeanor ~~involves moral turpitude or~~ involves conduct that the  
18 department determines could pose a risk to the health, safety, or welfare  
19 of home care consumers of the home care agency OR HOME CARE  
20 PLACEMENT AGENCY. ~~The~~ department shall maintain information obtained  
21 in accordance with this section.

22 (4) ~~No license shall be issued or renewed by~~ The department  
23 SHALL NOT ISSUE A LICENSE OR REGISTRATION if the owner, ~~applicant, or~~  
24 ~~licensee~~ MANAGER, OR ADMINISTRATOR of the home care agency OR HOME  
25 CARE PLACEMENT AGENCY has been convicted of a felony or of a  
26 misdemeanor, which felony or misdemeanor ~~involves moral turpitude or~~  
27 involves conduct that the department determines could pose a risk to the

1 health, safety, or welfare of the home care consumers of the home care  
2 agency OR HOME CARE PLACEMENT AGENCY.

3 (5) Except as otherwise provided in subsections (6) and (7) of this  
4 section, the department shall issue or renew a license OR REGISTRATION  
5 when it is satisfied that the applicant, or licensee, OR REGISTRANT is in  
6 compliance with the requirements set out in this article and the rules  
7 promulgated pursuant to this article. Except for provisional licenses  
8 issued in accordance with subsections (6) and (7) of this section, a license  
9 OR REGISTRATION issued or renewed pursuant to this section shall expire  
10 EXPIRES one year after the date of issuance or renewal.

11 **SECTION 6.** In Colorado Revised Statutes, **amend** 25-27.5-107  
12 as follows:

13 **25-27.5-107. Employee or referred service provider criminal**  
14 **history record check - rules.** ~~On and after June 1, 2009, prior to~~  
15 ~~employing or placing any person,~~ The home care agency or home care  
16 placement agency shall require ~~the~~ A person seeking employment or  
17 placement to submit to a criminal history record check BEFORE  
18 EMPLOYMENT OR REFERRAL TO A CONSUMER. The home care agency or  
19 home care placement agency or the person seeking employment with the  
20 home care agency shall pay the costs of ~~such inquiry~~ THE CRIMINAL  
21 HISTORY RECORD CHECK. The criminal history record check shall be  
22 conducted not more than ninety days ~~prior to~~ BEFORE the employment OR  
23 PLACEMENT of the applicant.

24 ~~\_\_\_\_\_~~ ~~\_\_\_\_\_~~

25 **SECTION 7.** In Colorado Revised Statutes, **amend** 25-27.5-108  
26 as follows:

27 **25-27.5-108. License or registration denial - suspension -**

1 **revocation.** (1) Upon denial of an application for an original license OR  
2 REGISTRATION, the department shall notify the applicant in writing of  
3 ~~such~~ THE denial by mailing a notice to the applicant at the address shown  
4 on his or her application. Any applicant ~~believing himself or herself~~  
5 aggrieved by ~~such~~ THE denial may pursue the remedy for review provided  
6 in article 4 of title 24, C.R.S., if the applicant, within thirty days after  
7 receiving ~~such~~ THE notice OF DENIAL, petitions the department to set a  
8 date and place for hearing, affording the applicant an opportunity to be  
9 heard in person or by counsel. All hearings on the denial of original  
10 licenses ~~shall~~ OR REGISTRATIONS MUST be conducted in conformity with  
11 the provisions and procedures specified in article 4 of title 24, C.R.S.

12 (2) (a) The department may suspend, revoke, or refuse to renew  
13 the license OR REGISTRATION of ~~any~~ A home care agency OR HOME CARE  
14 PLACEMENT AGENCY that is out of compliance with the requirements of  
15 this article or the rules promulgated pursuant to this article. ~~Such~~  
16 ~~suspension, revocation, or refusal shall be done after~~ BEFORE TAKING  
17 FINAL ACTION TO SUSPEND, REVOKE, OR REFUSE TO RENEW A LICENSE OR  
18 REGISTRATION, THE DEPARTMENT SHALL CONDUCT a hearing ~~thereon and~~  
19 ON THE MATTER in conformance with the provisions and procedures  
20 specified in article 4 of title 24, C.R.S.; except that the department may  
21 implement a summary suspension prior to a hearing in accordance with  
22 article 4 of title 24, C.R.S. IF THE DEPARTMENT SUSPENDS, REVOKES, OR  
23 REFUSES TO RENEW A HOME CARE PLACEMENT AGENCY REGISTRATION,  
24 THE DEPARTMENT SHALL REMOVE THE HOME CARE PLACEMENT AGENCY  
25 FROM THE REGISTRY MAINTAINED BY THE DEPARTMENT PURSUANT TO  
26 SECTION 25-27.3-103 (2) (a) (I).

27 (b) (I) The department may impose intermediate restrictions or

1 conditions on a ~~licensee~~ LICENSED HOME CARE AGENCY OR REGISTERED  
2 HOME CARE PLACEMENT AGENCY that may include at least one of the  
3 following:

- 4 (A) Retaining a consultant to address corrective measures;
- 5 (B) Monitoring by the department for a specific period;
- 6 (C) Providing additional training to employees, owners, or  
7 operators of the home care agency OR HOME CARE PLACEMENT AGENCY;
- 8 (D) Complying with a directed written plan to correct the  
9 violation; or
- 10 (E) Paying a civil fine not to exceed ten thousand dollars per  
11 calendar year for all violations.

12 (II) (A) If the department imposes an intermediate restriction or  
13 condition that is not a result of a serious and immediate threat to health  
14 or welfare, the ~~licensee shall receive~~ DEPARTMENT SHALL PROVIDE written  
15 notice of the restriction or condition TO THE LICENSED HOME CARE  
16 AGENCY OR REGISTERED HOME CARE PLACEMENT AGENCY. No later than  
17 ten days after the date the notice is received from the department, the  
18 ~~licensee~~ LICENSED HOME CARE AGENCY OR REGISTERED HOME CARE  
19 PLACEMENT AGENCY shall submit a written plan that includes the time  
20 frame for completing the plan and addresses the restriction or condition  
21 specified.

22 (B) If the department imposes an intermediate restriction or  
23 condition that is the result of a serious and immediate threat to health,  
24 safety, or welfare, the department shall notify the ~~licensee~~ LICENSED  
25 HOME CARE AGENCY OR REGISTERED HOME CARE PLACEMENT AGENCY in  
26 writing, by telephone, or in person during an on-site visit. The ~~licensee~~  
27 LICENSED HOME CARE AGENCY OR REGISTERED HOME CARE PLACEMENT



1 AGENCY shall remedy the circumstances creating harm or potential harm  
2 immediately upon receiving notice of the restriction or condition. If the  
3 department provides notice of a restriction or condition by telephone or  
4 in person, the department shall send written confirmation of the  
5 restriction or condition to the licensee LICENSED HOME CARE AGENCY OR  
6 REGISTERED HOME CARE PLACEMENT AGENCY within two business days.

7 (III) (A) After submission of an approved written plan, a licensee  
8 LICENSED HOME CARE AGENCY OR REGISTERED HOME CARE PLACEMENT  
9 AGENCY may first appeal any intermediate restriction or condition on its  
10 license OR REGISTRATION to the department through an informal review  
11 process as established by the department.

12 (B) If the restriction or condition requires payment of a civil fine,  
13 the licensee LICENSED HOME CARE AGENCY OR REGISTERED HOME CARE  
14 PLACEMENT AGENCY may request, and the department shall grant, a stay  
15 in payment of the fine until final disposition of the restriction or  
16 condition.

17 (C) If a licensee LICENSED HOME CARE AGENCY OR REGISTERED  
18 HOME CARE PLACEMENT AGENCY is not satisfied with the result of the  
19 informal review or chooses not to seek informal review, ~~no~~ THE  
20 DEPARTMENT SHALL NOT IMPOSE AN intermediate restriction or condition  
21 on the licensee ~~shall be imposed~~ LICENSED HOME CARE AGENCY OR  
22 REGISTERED HOME CARE PLACEMENT AGENCY until after THE LICENSED  
23 HOME CARE AGENCY OR REGISTERED HOME CARE PLACEMENT AGENCY IS  
24 AFFORDED an opportunity for a hearing ~~has been afforded the licensee~~  
25 pursuant to section 24-4-105, C.R.S.

26 (IV) If the department assesses a civil fine pursuant to this  
27 paragraph (b), THE DEPARTMENT SHALL TRANSMIT ~~moneys received by the~~

1 ~~department shall be transmitted~~ THE FINES to the state treasurer, who shall  
2 credit the ~~same~~ FINES to the home care agency cash fund created in  
3 section 25-27.5-105.

4 (V) THE DEPARTMENT SHALL USE civil fines collected pursuant to  
5 this paragraph (b) ~~shall be used~~ for expenses related to:

6 (A) Continuing monitoring required pursuant to this paragraph  
7 (b);

8 (B) Education for ~~licensee~~ LICENSED HOME CARE AGENCIES OR  
9 REGISTERED HOME CARE PLACEMENT AGENCIES to avoid restrictions or  
10 conditions or facilitate the application process or the change of ownership  
11 process;

12 (C) Education for home care consumers and their families about  
13 resolving problems with a home care agency OR HOME CARE PLACEMENT  
14 AGENCY, rights of home care consumers, and responsibilities of home  
15 care agencies AND HOME CARE PLACEMENT AGENCIES;

16 (D) Providing technical assistance to any home care agency OR  
17 HOME CARE PLACEMENT AGENCY for the purpose of complying with  
18 changes in rules or state or federal law;

19 (E) Monitoring and assisting in the transition of home care  
20 consumers to other home care agencies OR HOME CARE PLACEMENT  
21 AGENCIES, when the transition is a result of the revocation of a license OR  
22 REGISTRATION, or TO other appropriate medical services; or

23 (F) Maintaining the operation of a home care agency OR HOME  
24 CARE PLACEMENT AGENCY pending correction of violations, as determined  
25 necessary by the department.

26 (3) The department shall revoke or refuse to renew the license of  
27 a home care agency OR THE REGISTRATION OF A HOME CARE PLACEMENT

1 AGENCY where the owner, ~~or licensee, OR REGISTRANT~~ has been convicted  
2 of a felony or misdemeanor ~~involving moral turpitude or involving~~  
3 conduct that the department determines could pose a risk to the health,  
4 safety, or welfare of the home care consumers of ~~such~~ THE home care  
5 agency ~~Such revocation or refusal shall be made~~ OR HOME CARE  
6 PLACEMENT AGENCY. THE DEPARTMENT MAY REVOKE OR REFUSE TO  
7 RENEW A LICENSE OR REGISTRATION only after CONDUCTING a hearing ~~is~~  
8 ~~provided~~ ON THE MATTER in accordance with article 4 of title 24, C.R.S.

9 **SECTION 8.** In Colorado Revised Statutes, **amend** 25-27.5-110  
10 as follows:

11 **25-27.5-110. Repeal of article - sunset review.** (1) This article  
12 is repealed, effective ~~July~~ SEPTEMBER 1, ~~2014~~ 2019.

13 (2) ~~Prior to such~~ BEFORE repeal, the DEPARTMENT OF  
14 REGULATORY AGENCIES SHALL REVIEW THE licensing of home care  
15 agencies ~~shall be reviewed~~ AND THE REGISTERING OF HOME CARE  
16 PLACEMENT AGENCIES as provided for in section 24-34-104, C.R.S. ~~IN~~  
17 CONDUCTING ITS REVIEW AND COMPILING ITS REPORT PURSUANT TO  
18 SECTION 24-34-104 (8), C.R.S., THE DEPARTMENT OF REGULATORY  
19 AGENCIES SHALL SEGREGATE THE DATA IN THE REPORT BASED ON THE  
20 TYPE OF AGENCY, SPECIFYING WHETHER THE AGENCY IS:

21 (a) A HOME CARE AGENCY THAT PROVIDES SKILLED HOME HEALTH  
22 SERVICES;

23 (b) A HOME CARE AGENCY THAT ONLY PROVIDES PERSONAL CARE  
24 SERVICES; OR

25 (c) A HOME CARE PLACEMENT AGENCY.

26 **SECTION 9.** In Colorado Revised Statutes, 24-34-104, **repeal**  
27 (45) (g); and **add** (50.5)(h) as follows:

1           **24-34-104. General assembly review of regulatory agencies**  
2           **and functions for termination, continuation, or reestablishment.**

3           (45) The following agencies, functions, or both, terminate on July 1,  
4           2014:

5           (g) ~~The licensing of home care agencies in accordance with article~~  
6           ~~27.5 of title 25, C.R.S.;~~

7           (50.5) The following agencies, functions, or both, terminate on  
8           September 1, 2019:

9           (h) **NOTWITHSTANDING PARAGRAPH (a) OF SUBSECTION (11) OF**  
10           **THIS SECTION, THE FUNCTIONS OF THE DEPARTMENT OF PUBLIC HEALTH**  
11           **AND ENVIRONMENT RELATING TO THE LICENSING OF HOME CARE AGENCIES**  
12           **AND THE REGISTERING OF HOME CARE PLACEMENT AGENCIES IN**  
13           **ACCORDANCE WITH ARTICLE 27.5 OF TITLE 25, C.R.S.**

14           **SECTION 10. Appropriation.** (1) In addition to any other  
15           appropriation, there is hereby appropriated, out of any moneys in the  
16           intellectual and developmental disabilities services cash fund created in  
17           section 25.5-10-207 (1), Colorado Revised Statutes, not otherwise  
18           appropriated, to the department of health care policy and financing, for  
19           the fiscal year beginning July 1, 2014, the sum of \$110,000, or so much  
20           thereof as may be necessary, to be allocated to transfers to/from other  
21           departments for transfer to department of public health and environment  
22           for facility survey and certification.

23           (2) In addition to any other appropriation, there is hereby  
24           appropriated to the department of public health and environment, for the  
25           fiscal year beginning July 1, 2014, the sum of \$110,000, or so much  
26           thereof as may be necessary, for the payment of licensure fees for  
27           community-centered boards as defined in section 25-27.5-102 (1.5),

1 Colorado Revised Statutes, and service agencies as defined in section  
2 25-27.5-102 (6.7), Colorado Revised Statutes, related to the  
3 implementation of this act. Said sum is from reappropriated funds  
4 received from the department of health care policy and financing out of  
5 the appropriation made in subsection (1) of this section.

6 (3) In addition to any other appropriation, there is hereby  
7 appropriated, out of any moneys in the home care agency cash fund  
8 created in section 25-27.5-105, Colorado Revised Statutes, not otherwise  
9 appropriated, to the department of public health and environment, for the  
10 fiscal year beginning July 1, 2014, the sum of \$144,423 and 2.1 FTE, or  
11 so much thereof as may be necessary, to be allocated to health facilities  
12 and emergency medical services division for the health facilities general  
13 licensure program for the implementation of this act.

14 (4) In addition to any other appropriation, there is hereby  
15 appropriated, out of any moneys in the home care agency cash fund  
16 created in section 25-27.5-105, Colorado Revised Statutes, not otherwise  
17 appropriated, to the department of public health and environment, for the  
18 fiscal year beginning July 1, 2014, the sum of \$53,560, or so much  
19 thereof as may be necessary, to be allocated to administration and support  
20 for payments to the office of information technology for the  
21 implementation of this act.

22 (5) In addition to any other appropriation, there is hereby  
23 appropriated to the governor - lieutenant governor - state planning and  
24 budgeting, for the fiscal year beginning July 1, 2014, the sum of \$53,560,  
25 or so much thereof as may be necessary, for allocation to the office of  
26 information technology, for the provision of computer center services for  
27 the department of public health and environment related to the

1 implementation of this act. Said sum is from reappropriated funds  
2 received from the department of public health and environment out of the  
3 appropriation made in subsection (4) of this section.

4 (6) In addition to any other appropriation, there is hereby  
5 appropriated, out of any moneys in the Colorado bureau of investigation  
6 identification unit fund created in section 24-33.5-426, Colorado Revised  
7 Statutes, not otherwise appropriated, to the department of public safety,  
8 for the fiscal year beginning July 1, 2014, the sum of \$40,966 and 0.2  
9 FTE, or so much thereof as may be necessary, to be allocated to Colorado  
10 bureau of investigation, Colorado crime information center,  
11 identification, for fingerprint-based criminal history record checks related  
12 to the implementation of this act as follows:

13 (a) \$9,362 and 0.2 FTE for personal services; and

14 (b) \$31,604 for operating expenses.

15 **SECTION 11. Effective date.** This act takes effect July 1, 2014.

16 **SECTION 12. Safety clause.** The general assembly hereby finds,  
17 determines, and declares that this act is necessary for the immediate  
18 preservation of the public peace, health, and safety.